

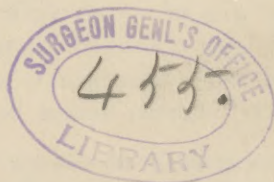
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CONFIRMED INEBRIATE.

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THE ABSENCE OF REASONABLE MOTIVE IN THE SO-CALLED "CRIMINAL ACTS" OF THE CONFIRMED INEBRIATE.*

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"Motive" may be defined as that which actuates or influences, or that which determines choice. It implies the presence of an unimpaired will power, at least one that is not so seriously impaired as to be incapable of volition, and to be actuated either by right or wrong desires.

Impulse is the sudden application of some powerful motive, that causes the will to act hastily without its usual deliberation, or that exercise of the reasoning faculties that occurs when a purpose is deliberately formed. The genesis of impulse may be a good or an evil motive.

In both instances, either when the act results from the motive operating upon the mind through a deliberate and logical course of reasoning, or impulsively, as when the motive acts independently of, or supersedes and dethrones reason if it attempts to assert itself, there is one condition that is common to both, and that always is present, namely, *consciousness of the act*. The person invariably knows he has performed the act whether the motive were good or evil, the result of deliberation or of impulse.

How often do we hear the expression, "What motive urged him to do such an act?" and if the person be in a normal mental condition, the law, if the act involves a legal infringement, arrests and punishes the transgressor. But are these words applied to the acts of an insane person? Cer-

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tainly not. All acknowledge that the will power in this case is held in abeyance in some instances, or permanently annulled in others in which the insanity is incurable. The actions of the acute or chronic insane are senseless and utterly devoid of reason ; if a quasi motive is asserted it is insufficient, and as a rule ridiculous, incompetent to explain an act often involving matters of the greatest moment, even life itself. This is seen in certain forms of monomania. Thus the pyro-maniac sets fire to a crowded tenement, and gives as a reason for his motive in so doing that he likes the excitement and confusion incident to such a scene ; all other motives based on rational explanation being excluded, such a one would be regarded and dealt with simply as a person possessing a dangerous monomania, and demanding close confinement in an insane asylum. No one is held responsible for his acts, if he is incapable of exercising his will power, the ability to reason from cause to effect or discriminate between good and evil courses, and the consequences resulting from these.

In some forms of insanity where the will power and reason are not totally annihilated, and the insane person capable of exercising a discriminating power to a certain extent, having at least a partial knowledge of right and wrong—even in these cases the insane person is never legally *punished* although he may be disciplined by “institutional forms of correction” ; this treatment is much the same as that of a child who has not yet arrived at the years of discretion, and is still subject to his parents ; the parent may correct the evil-doer of tender years, yet the law will not punish such an one.

The law recognizes the absence of full responsibility among the more youthful class of criminals, and among the “criminal insane,” so-called. In the former instances the State establishes “reformatories,” in the latter, an asylum for the “criminal insane.” But while the insane, the imbecile, the idiotic, and those of tender years have thus been leniently dealt with ; by some strange, illogical process of reasoning, or

by actual indifference to the facts of the case, the confirmed inebriate has been excluded from all these benefits, and, moreover, his inebriety has been regarded not as an extenuating circumstance, but rather as an aggravation of his so-called criminal act.

Are his acts rational? Are they based on a reasonable motive? Are they the result of a well-balanced mind? Is he always even conscious of the acts he performs? Analyze the acts of the confirmed inebriate and you will find that they are the acts of an *insane person*. Insane from the temporary or habitual use of alcohol.

If we can show that in the majority of cases, in the acts of the confirmed inebriate there is absence of proper motive, absence of intelligent purpose, absence even of consciousness of the act in some instances, ought he not to come under the benefits of that unwritten or recorded law which excludes from penalty the insane or those of an irresponsible age, and does not hold them responsible for their acts?

It has been abundantly shown, particularly by the researches of Dr. T. D. Crothers, that amnesia, partial or complete, is the mental condition of the average confirmed inebriate. If the loss of memory is complete, he becomes a veritable automaton; his movements are mechanical, devoid of thought or reason, and he is therefore unconscious of his acts; under this condition what he does may be ridiculous or even dangerous. His actions are similar to those of a somnambulist who, walking in his sleep, performs deeds of which he is totally unconscious when awakened. The acts of the confirmed inebriate are thus often performed unconsciously, and when he comes out of this "trance state," so-called, or condition of cerebral automatism, he has not any knowledge of what he has done, and yet oftentimes there is a seemingly rational action on his part, and his condition may not be detected because not suspected, by those with whom he is brought in contact; while in this condition the inebriate may commit acts that are criminal.

Mendacity has been set down as one of the prominent

characteristics of the inebriate, but I am convinced that the denial of the inebriate of the statements he has previously made or the acts he has done, when confronted with them, is often due to his utter unconsciousness of ever having made such statements or performed such acts.

The "testamentary capacity" of a confirmed inebriate should be excluded on this ground, and no "confirmed inebriate" should be empanelled in any jury, nor should his testimony as a witness be received in any court.

The validity of the signatures of confirmed inebriates to wills, contracts, or affidavits should always be questioned if allowed, and "marriage" contracted under these conditions should be annulled. I am acquainted with an instance in which the confirmed inebriate, a young man of wealth, contracted such a misalliance. The validity of the marriage was not questioned, in order to avoid publicity, and the woman, whose sole object was money, finally consented to relinquish her claim for the sum of twenty thousand dollars. Now I maintain that such a marriage was not valid, and should not have received legal recognition.

Not only in the trance state, where consciousness seems to be annulled, and the memory temporarily abolished, may the inebriate perform acts that he is totally unconscious of, as a somnambulist or automaton, and thus render himself liable to criminal procedure, or the subject of fraud on the part of others; but there is under this condition a tendency to repeat the crime or act he may have been previously guilty of, a *monomania*, so to speak, for a special act.

Dr. Alex. Peddie of Edinburgh, reports the following cases :

At the prison of Perth, one woman was committed 137 times for being drunk ; *her invariable practice was to smash widows*. A man when drunk stole nothing but Bibles. Another stole nothing but shawls ; another shoes. Another was transported for stealing tubs on seven different occasions ; with one exception he was always guilty of tub stealing. Others have been repeatedly convicted of horse stealing.

In others the destructive tendency is marked by unusual prodigality and waste, such as scattering money in the street, or throwing it in the fire. Such persons are notorious for "cleaning out" a saloon, smashing, breaking, and throwing out on the street articles of furniture, etc. There is not any "reason in the madness" of these temporarily insane inebriates. Their actions are motiveless. The whole machinery of the will is out of order, the power of co-ordination of the faculties is lost, hence all acts are erratic.

In addition to the "trance state" and "monomaniacal acts" of the confirmed inebriate, there is another condition under which the inebriate may perpetrate higher grades of crime. We refer to that condition where the prominent characteristic of the insanity of the inebriate is the *monomania of suspicion or persecution*, a condition not uncommon in the confirmed inebriate. Under this condition the inebriate is morose, taciturn, secretive; if he communicates his suspicions to any one, it is only occasionally and with great reservation. He imagines that enemies are trying to poison him; he hears voices in the air; he is followed, and in danger of being waylaid, or his wife is unfaithful to him; suspicion of "marital infidelity" is very common in these cases. Robbery, mutilation, murder, and every possible misfortune that may happen to a person, are imagined by these insane inebriates, as being applied to their case.

Acting under erroneous suppositions, such persons prepare themselves for the imaginary danger, or assault those whom they believe would injure them; or take vengeance on the innocent wife whom they judge guilty of marital infidelity. Oftentimes their mental condition is not suspected, and oftentimes only after they have wreaked their insane fury on those about them.

And just here, in parenthesis, we would remark that though the acts of the *confirmed inebriate* may fill every grade of crime, from petty theft to homicide, yet those criminal acts which call for shrewdness, mechanical skill, involving as they do the maturing of long-continued plans, well laid,

and aptly executed, as professional burglary, systematic forgery, etc., the confirmed inebriate is incapable of.

The burglar and the systematic forger may drink liquor, but they have the fullest exercise of their mental faculties, and the ability to use liquor moderately, so that their hand is steady, their nerves unflinching, and their reason unclouded. This is the universal testimony of the governors or wardens of penitentiaries and prisons in America and Great Britain, and hence, the great distinction between the so-called "criminal inebriate" over the professional criminal. The confirmed inebriate acts without motive, without the deliberation, without that usual caution and concealment that characterize the criminal who is in a normal mental and physical condition.

The popular impression seems to be, testifies Mr. John C. Salter, the warden of the State penitentiary at Chester, Illinois, that a criminal is necessarily a drunkard.

"The large proportion of criminals, such as burglars, forgers, and counterfeiters, need clear brains, steady nerves, quick perceptions, to carry out their plans, which would be impossible under the influence of intoxicating drink."

The assassin may drink to nerve himself to the deed, but only to that extent, and no more. This form of crime, where the alcoholic stimulant is taken *deliberately*, with the intention of nerving the criminal to the act, is most aptly shown in the great Shakespearian tragedy. Lady Macbeth, so stimulated and nerved as an accomplice to Macbeth in his bloody deed, thus soliloquizes :

"That which hath made them drunk hath made me bold ;
What hath quenched them hath given me fire."

Here the antecedents, the motive, and the subsequent events of the plot take precedence, and the alcohol taken neither to produce drunkenness nor lethargy plays but a secondary and inferior part in the whole tragedy. The "deep damnation of the taking off of Duncan" is not lessened one whit by the fact that alcohol was used by the conspirators and murderers

to nerve themselves for the tragedy. The alcohol did not prompt the deed ; it was deliberately taken to enable them to perform it — a condition quite the reverse of the insane inebriate or the person suffering from “chronic alcoholic mania,” in which the “mania of suspicion,” or an acute alcoholic mania is developed. Here the maniac, in his sudden fury, cyclonic in its violence and rapidity, kills those nearest to him without premeditation or motive.

Hence the insane inebriate, the subject of the monomania of suspicion or persecution, is easily traced to the act committed by him, and his attempts at concealment, if made at all, are illy disguised. He is not an assassin striking from the shadow and then disappearing. His acts are often in the open day and the most conspicuous public places.

Let me cite a prominent example or so, that may more forcibly illustrate this class of insane inebriates. And these cases will also partially illustrate the acts of the inebriate epileptic—different only in this, that the period in which the precursory signs appear is longer in the inebriate having the monomania of suspicion or persecution than in the epileptic inebriate. In the latter the act occurs as soon as the coma following the convulsion has passed off. The latter class are the most dangerous of all insane inebriates, for they add to the insanity of epilepsy, that also which alcohol begets. The following cases are instances where the characteristic type of the insanity of the inebriate was the “monomania of persecution” or of suspicion.

“The patient is 43 years of age, has been drinking to excess for several years past, is insane. The insanity is the direct result of his excessive use of alcohol — there is not any hereditary taint. His insanity lasted about a year ; he recovered and resumed his business, only to relapse, and is now drinking harder than ever. The immediate cause of his relapse was a sprained ankle, from which he suffered very much. His insanity at all times is that of the ‘monomania of suspicion’ or ‘persecution.’ His suspicions are mainly directed towards his wife and child. He walks about

the house, and if he had his full liberty would no doubt assault them, for it was found before his condition was fully ascertained, that he had concealed under the stationary washstand of the bedroom occupied by himself and his wife, a dirk knife, which was covered with some old clothes." (Reported by Dr. J. C. Lester, *Journal of Inebriety*, Vol. vi, p. 32.)

The following case was reported by Dr. Drake of Cincinnati, O., and was published in the report of the New York State Inebriate Asylum for 1866, the late Dr. J. E. Turner, Superintendent. At the time of the occurrence, it attracted the attention of the medical public in its bearing on the legal responsibility of the insane.

"John Birdsall, of Harrison, in that State, was indicted in 1829, for the murder of his wife with an axe, by dividing the spinal column in the neck. He was about 50 years of age, had been married to this his second wife nineteen or twenty years, and had children by her. For some years previous he had been subject to fits of intoxication. These, of late, were followed by delirium tremens, which generally lasted several days. In these paroxysms, he entertained great fears for his safety — ran about the village as if attempting to escape pursuit. At another time he concealed himself between a straw bed and a feather bed in his own house. He would point his gun from a window as if for defense against imaginary persons. He was also very watchful.

"The prevailing maniacal delusion was that his wife was in combination with his neighbors, and his son by his first wife, against his life. He had charged her during his paroxysms with criminal intimacy with these, and had threatened to kill her on Sunday. He was intoxicated Monday, Tuesday, and Wednesday. On Wednesday evening he complained of being unwell, but seemed to be rational. He slept none that night, and the next day the family thought him crazy, but were not alarmed. In the course of the day he took an axe and went to a neighbor, whom he desired to return with him, as he stated they wanted to kill him (monomania of per-

secution). He spent the remainder of the day at home, apparently in terror and agitation, manifested jealousy of his wife, barred the doors, and fancied that the person of whom he was jealous was manufacturing ropes up stairs to hang him. In the course of the afternoon he suddenly committed murder. His wife was sitting by the fire, and he walked into the room. After the fatal blow on the neck, he followed it by two or three on the face. His eldest daughter seized the axe, which he yielded, but took a scythe and attempted to strike her. She defended herself until the door was opened. When arrested, he acknowledged the homicide, and knew, he said, that he would be hung, and regretted that he had not done it sooner. After being committed, he became regular, and expressed sorrow for what he had done. On trial three medical witnesses agreed that he labored under *mania à potu* when he committed the homicide.

"For the defense it was urged, that when *drunkenness gives rise to insanity, it should cause immunity, and hence form a legal excuse*. On the other hand the counsel for the people remarked, '*that Birdsall knew that his delirium followed his intoxication, and hence it was voluntary*.' The law therefore held him accountable for actions during such a state. The verdict was murder in the first degree, and he was sentenced to death. It is needless to add that there was not the slightest foundation for the insane vagaries of Birdsall, and no '*reasonable motive*' for his act."

Let me cite another case, reported as a newspaper item. "Alexander C. Wingate, a wealthy resident of Woodford Co., Ky., was shot dead about 4 o'clock this morning (March 29, 1882), on an Ohio and Mississippi train, near Mitchell, Ind., by a man named Haynes, who was crazed by drink and had no provocation for the shooting.

"Mr. Wingate was returning home from a business trip from the West, and was in a sleeping car. Haynes entered the car laboring under great excitement, and said to the porter and several passengers that he had been followed by thieves from San Francisco, who were bent on robbing him (*mania*

of suspicion). He begged the passengers to keep his money — which amounted to only \$90. The porter tried to pacify him, but he grew more desperate, and flourished his revolver around wildly. The train men were either too cowardly or did not have sense enough to wrest the revolver from him, and eject him from the train.

"At this time, Mr. Wingate stepped from his berth. Haynes immediately confronted him with the revolver, and exclaimed, 'Give me my money,' and fired. Wingate threw up both hands, cried 'I am shot,' and sank down dead. The maniac (from alcohol) turned and fired two random shots, then darted past the passengers and out of the car door, and jumped off the train, which was running at the rate of 45 miles an hour. He landed safely, walked half a mile to a creek, stripped himself naked and jumped into the stream. His dead body was found there this morning. His clothes were found hanging to a tree 100 yards distant, and they contained \$90 in gold, a gold watch, an express receipt for \$400 sent from El Paso, Tex., to New Salem, O., and a quart bottle of brandy, half full. In his valise was found a gambler's 'lay-out.' Haynes is from Yuma, Ariz. He was evidently laboring from delirium tremens (?) at the time of the deed, or rather '*mania à potu*.'"

Although homicide was the prominent feature of the case, 'homicidal mania' was not. Haynes did not kill Wingate because a predisposition to kill some one predominated, but as an act of supposed self-defense, and to resent the injustice that he supposed Wingate had inflicted on him. In other words, the "mania of persecution" was the leading form of insanity — a form very common in cases of insanity arising from alcohol.

There is no crime in the calendar that these alcoholic maniacs may not commit. Their reason is temporarily dethroned, they are unconscious of not only the character of the act, but of the acts themselves, and are therefore irresponsible. The following case shows the complete annihilation of all mental and moral responsibility.

"A young man in Madison Co., in this State, in the year 1859, was attacked with alcoholic delirium for the third time. While under the attack he killed his father and mother, cut out their hearts which he roasted and ate. He was arrested, thrown into prison, and indicted for murder. He was brought into court for trial, when Judge Gray, of the Supreme Court, stated that the case could not be tried, '*as there was no motive to prompt a man to commit such a crime.*' This man was sent to an insane asylum."

Let me cite a case taken from the records of Broome County Circuit Court. "On Decoration Day, 1885, George Axtell, a young farmer of the town of Middletown, New York, visited Deposit village, and became intoxicated. While in this condition, and without provocation, he ran amuck (a mok) with a pistol and killed three men. Axtell was condemned to be hanged, but died in jail of heart disease, prior to the date fixed for his execution, or we would have had to record another case of judicial murder."

Axtell was undoubtedly affected by "mania à potu," or "alcoholic frenzy," or mania, when he committed the homicides, and was entirely irresponsible. These cases of "alcoholic homicidal mania" are not uncommon, and the daily prints often furnish us with similar examples.

I might cite many cases in point showing the various kinds of alcoholic insanity, and the crimes committed, as well as the judicial opinions expressed, but let these suffice.

The question whether "premeditation" could be proven in the case of the criminal inebriate could not, we think, weaken the position taken of the irresponsibility of the inebriate. In some instances apparent premeditation may exist; but the absence of a "reasonable motive" should certainly give force to the plea of irresponsibility.

To sum up the logical conclusions resulting from the study of criminal inebriates in a single paragraph, we would state:

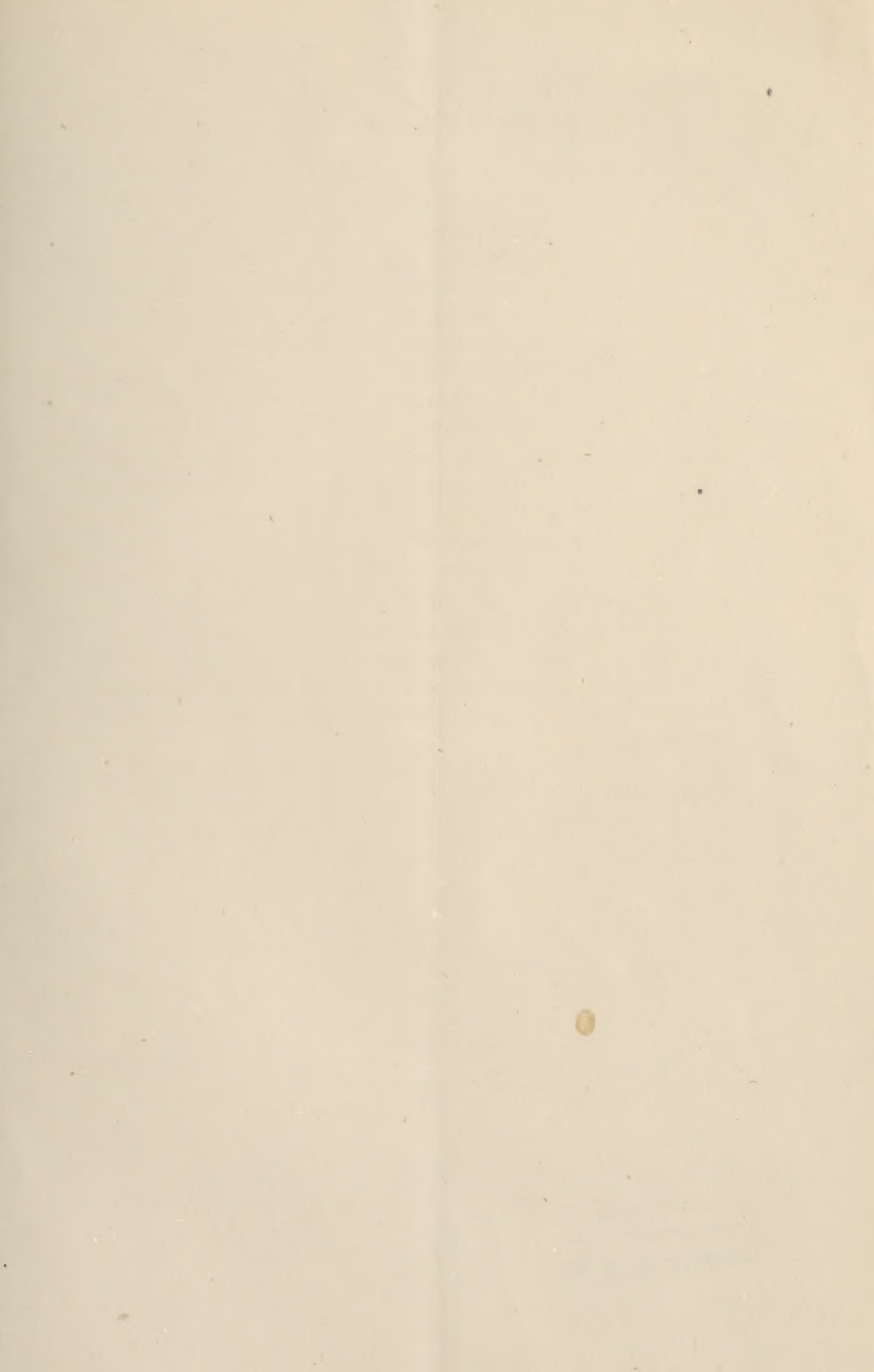
An act to be criminal, and to be enrolled under the code as a crime, must show such preconception, or preparation, or

motive, as to make it an act of deliberation, and the intent must be proven by the relation of the accused party to the deed, before, during, and after its commission.

If from simple impulse, without premeditation, the act must be shown not to have been directly traceable to any drug capable of affecting the intellect and developing maniacal impulses; and further, that the person committing the act was in full possession of his mental faculties, and was uninfluenced except by a reasonable motive that prompted the deed, in special cases as in murder, the ground of self-defense being satisfactorily excluded. Under these circumstances, the person has committed a crime, and the evidence must acquit or condemn him.

In all cases, a history of previous *confirmed inebriety*, coupled with an entire absence of *reasonable motive*, should give the person committing the act the full benefit of the plea of irresponsibility, and the same "legal excuse" that is applied to the acts of "insane criminals."

And in conclusion, I have only to add that the "criminal inebriate" should be dealt with in the same manner as the "criminal insane."



Dr. E. B. Gleason,
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